

**BOARD OF TRUSTEES
REGULAR MEETING
August 23, 2016, 6:30 PM**

1. CALL TO ORDER

Mayor Mulvihill called the regular August 23, 2016 Board of Trustees meeting to order at 6:30 PM. in the Board Room.

2. ROLL CALL

Town Clerk Alisa Darrow called the roll, those present were: Mayor Mulvihill, Mayor Pro Tem Buckridge, Trustee Baker, Trustee Dunkelberger, Trustee Hindman, Trustee Karspeck, and Trustee Laak.

3. PLEDGE OF ALLEGIANCE

Mayor Mulvihill led the Pledge of Allegiance.

4. CITIZEN PARTICIPATION

- a. Al Wadleigh, 869 Bruce Drive, read portions of the Mosquito Control Policy and expressed his disagreement with the specific triggers listed. It was his opinion that the Town should have discretion as to whether or not to spray and did not agree with the requirement of spraying based upon recommendations from the County or Colorado Mosquito Control.
- b. Patrick Dillon, 227 N. 2nd Street, spoke in favor of upgrading the Skate Park.

5. CONSENT AGENDA

The Consent agenda consisted of Resolution No. 15-16 supporting the Larimer County Mental Health Facility ballot initiative.

Mayor Mulvihill moved, seconded by Trustee Karspeck, to approve the Consent Agenda. The motion carried 7:0.

Trustee Hindman explained, for the benefit of the audience, that Larimer County currently did not have a mental health facility and the initiative would provide a funding source to build and operate a facility. He urged the public to spread the word and support the ballot initiative.

6. RESOLUTION – HAZARD MITIGATION PLAN

Sergeant Anderson and Lori Hodges with the Larimer County Sheriff's Office presented on this item.

Mayor Pro Tem Buckridge asked if the HMP (Hazard Mitigation Plan) would allow Berthoud to receive funds even though none of the items listed had been completed.

Ms. Hodges explained that if two items were completed, that would make Berthoud eligible for FEMA funds. She pointed out that the EOP (Emergency Operations Plan) and the COOP (Continuity of Operations Plan) were in progress.

Trustee Laak asked how often hazardous materials passed through Berthoud by rail.

Ms. Hodges responded that the amount had gone down, but there were still hazardous materials being transported. She stated that there was no way to know what was traveling through Town at a given moment, but it would be disclosed immediately if there were to be a derailment.

Trustee Hindman asked if the Town had to participate in the Weld County Hazard Mitigation Plan.

Ms. Hodges stated that the Town only had to be a part of one or the other, from FEMA's perspective the Town would be viewed as having an HMP. Ms. Hodges also explained when the Town would request assistance, the cost for service would be the responsibility of the Town. THE HMP specifically addresses how other entities are to be reimbursed if emergency services were utilized.

Mayor Pro Tem Buckridge moved, seconded by Trustee Dunkelberger, to adopt Resolution No. 16-16, adopting and affirming the Larimer County and Weld County 2016 Multi-Agency Hazard Mitigation Plan. The motion carried 7:0.

Trustee Baker asked about the status of emergency sirens in the Town.

Ms. Hodges responded that there were concerns about sirens because they can only be heard outdoors and there could be many reasons for a siren to go off. Her preference would be to offer another option for alerting the public to prevent them from going outdoors to hear the sirens if the need was for residents to shelter in place. Another example was flooding, which would require residents to seek higher ground. She encouraged residents to sign up for LETA (Larimer Emergency Telephone Authority), a service that would send a text message to personal cell phones when there was an emergency notification.

Sergeant Anderson commented that a representative from LETA had been at Town events in the past and they would continue to ask them to attend to help educate the public about the service for emergency notifications.

Town Administrator Hart asked if the mosquito fogging would have been a reason for the Town to utilize LETA to inform the public.

Sergeant Anderson noted the service was for emergency purposes only and spraying for mosquitos would not have been an appropriate use.

Trustee Baker asked if the initial cost or maintenance of sirens was the bigger issue.

Ms. Hodges responded that education was the biggest cost because there are tones (sounds) that have different meanings, but the maintenance would always be ongoing. Another question to address would be who triggers the sirens to go off and is the public comfortable with the Town testing the sirens occasionally.

Town Administrator Hart recalled discussions with the Fire District about sirens in years past and remembered the initial cost was more than the Town could handle at the time.

Trustee Hindman expressed interest in reviewing the information on cost from when sirens were previously considered.

7. YOUTH ADVISORY COMMISSION PROPOSAL

Town Clerk Alisa Darrow and Patrick Dillon presented on this item.

Trustee Hindman expressed support for the Youth Advisory Commission and the leadership skills it would instill in local youth.

Trustee Baker commented that it would have been great to have a group like this give input on the Skate Park item the Board would be addressing later in the meeting and was also supportive of the proposal. She asked about the requirements for serving on the commission and suggested that the Commission makeup mirror what the Town had done with others to include a certain number of Berthoud residents and allow for a certain number that did not live in Berthoud. She also suggested that flyers be put up at the schools during recruitment.

Clerk Darrow responded that the Board would ultimately appoint the members, but the Resolution creating the Youth Advisory Commission that would address the membership would include that language in order to stay consistent with the other committees and commissions.

Mayor Pro Tem Buckridge agreed the Commission was a good idea. He asked about the terms for Commission members and who would determine which term each member was appointed to.

Mr. Dillon stated that he would like to see the applicants apply to a term length that they were willing to commit to because a senior in high school might be able to only serve for one year, while a younger student might be interested in serving for a longer period of time. Mr. Dillon was sensitive to the changing interests of youth as well and wanted the applicants to indicate the term length. He also noted that the Board could make that decision as well.

Trustee Karspeck thanked Mr. Dillon and Ms. Darrow for bringing the proposal forward and confirmed that fundraising would be a function of the committee as it related to projects or attendance at youth conferences.

Clerk Darrow clarified that the commission would raise funding for airfare, hotel and food and the Town budget for the commission would only cover registration fees. Through fundraising the youth would have buy-in and be more inclined to get as much out of the experience as possible.

Trustee Dunkelberger asked if the age range was a hard line.

Mr. Dillon responded that there could be an exception if they are nineteen and still attending school, the goal was for the commission to be as inclusive as possible.

Trustee Laak was very energized by the proposal and he was excited about the conference scholarship fund and the opportunities it would create. He was in favor of creating the commission.

Mayor Mulvihill commented that he was supportive of the proposal, he agreed with Trustee Baker that there should be diversity in relation to in-town and out of town youth. His preference was to have the maximum term be two years long. He wanted to ensure the commission did not become an elite group that others were excluded from.

Clerk Darrow explained that a Resolution would come back to the Board and she reviewed the process for applying and how the Board would be involved.

Mayor Mulvihill suggested the group could also look into a Job Corp type of program in Town to help youth find local jobs or apprenticeships. He also suggested the group look at grants and noted that he could put the group in contact with a resource for writing grants.

Trustee Laak moved, seconded by Trustee Hindman, to create a Youth Advisory Commission as outlined in the proposal with Board recommendations and direction to staff to bring back a Resolution establishing the commission. The motion carried 7:0.

8. SKATE PARK RAMPS

Parks and Recreation Director Jeremy Olinger presented on this item.

Trustee Hindman supported the second option that would expand the Skate Park and allow for more equipment for users. He proposed the Board find funds in the 2016 budget to complete the improvements in the Fall.

Trustee Baker asked if option one could be implemented in 2016 and option two could be implemented in 2017.

Mr. Olinger commented that both options could be implemented and either one could be first.

Trustee Baker asked about the status of the shade structure at the park.

Trustee Hindman responded he would coordinate the shade structure to be installed at the same time as improvements.

Trustee Buckridge stated he was in favor of option two and recalled that 2015 funds to improve the Skate Park had not been spent, he encouraged staff to find funding to move forward.

Trustee Karspeck was in favor of option two and he liked the idea of implementing both options over time.

Trustee Dunkelberger was also in favor of option two, she recalled how much fun her son had when he first visited the Skate Park.

Trustee Laak supported option two and noted that he would engage local youth to assist with building the shade structure.

Mayor Mulvihill echoed the comments of the other Trustees supporting the upgrades. He was concerned that the survey done for the upcoming Parks, Open Space, Recreation and Trails (PORT) Plan may not show that this is a need the community had prioritized. He would be fine with the proposal if there were funds budgeted specifically for the upgrades.

Administrator Hart warned against making funding decisions based on ending fund balances listed in the budget. He noted that the budget process was in progress and this item could be added by the Board for 2017. He also stated that to expend the funds in 2016 would require a supplemental appropriation to the budget.

Mayor Mulvihill asked staff to proceed with an analysis of the survey results and to look at the priorities of the community in relation to the PORT Plan. He also asked staff to look at whether or not other budget requests would be impacted if the funds were used to enhance the Skate Park.

Mayor Mulvihill moved to direct staff to do an impact analysis including the cost of adding concrete to the pad. The motion failed for lack of a second.

Trustee Hindman made his case for making the purchase in 2016 rather than pushing it out another year. He noted that funds were budgeted in 2015 that were not spent and his request was to use those funds. He asked that the Board consider whether or not to implement both upgrades as part of the budget process, specifically as it related to pouring additional concrete.

Mayor Pro Tem Buckridge supported the use of the 2015 funds, but he was concerned that the whole proposal regarding the Skate Park should have been wrapped into the budget process that would begin in September.

Trustee Laak commented that he was not familiar with the budget process when he proposed improvements to the Skate Park initially, but was not concerned about setting a precedent when the improvements would keep kids entertained and out of trouble. He noted that the equipment at the Skate Park had not required maintenance over the years and was a safe investment.

Trustee Hindman stated that the current Board was not seated when the 2016 budget was passed by the previous Board. He made the point that the 2015 funds might have been carried over or the items budgeted in 2016 if the same people on the Board today were a part of the process.

Mr. Olinger responded that in the process for the 2015 budget, the Skate Park enhancements were not a high priority and therefore the funds were not spent for that particular purpose, but were repurposed to complete higher priority items and maintenance issues.

Administrator Hart recalled that the Town had contributed \$200,000 to Larimer County in 2016 for the purchase of open space that were not budgeted and the fund balances listed in the budget were nine months old and were not up to date.

Trustee Karspeck noted that children were not part of the PORT survey process.

Trustee Hindman moved, seconded by Laak, to bring back a Resolution appropriating funds to implement Option 2 in 2016 as presented in the packet and bring back information in the 2017 budget process for future enhancements. The motion passed 7:0.

9. BERTHOUD RESERVOIR BID AWARD

Public Works Director Stephanie Brothers presented on this item.

Trustee Laak noticed that two of the bids were very close to each other and wondered why the company had subcontracted a portion of the project.

Ms. Brothers explained that sometimes there were bonding issues with projects over one million dollars and the company was able to offer a lower bid by working with a partner in a subcontractor capacity. She also noted that the Town consulted with an engineering firm that had worked with Western States and was comfortable with their qualifications.

Trustee Laak asked how the project would be inspected once it was completed.

Ms. Brothers responded that the Town would bring in a soil testing company to test compaction and inspect the reservoir.

Trustee Karspeck expressed excitement about a future recreation component with the reservoir coming back online.

Mayor Pro Tem Buckridge asked how much was budgeted for the project.

Ms. Brothers responded that \$1.9 million was budgeted and some of the excess would pay for inspections and testing, but not the total.

Trustee Hindman also had concerns about the difference in the bid amounts and asked for assurance that specifications had been reviewed thoroughly and that the contractor is not hoping to bring change orders down the road that would drive up the cost.

Ms. Brothers noted that there was a contingency budget built into the proposal, she was confident that Western States could complete the project for the amount proposed. He suggested sending letters to the homeowners near the project informing them prior to the project kickoff and equipment moving in.

Mayor Mulvihill agreed with other Trustee concerns about the lowest bid, he expressed confidence that staff had done its due diligence.

Mayor Pro Tem Buckridge moved, seconded by Mayor Mulvihill, to approve Staff's recommendation of Western States as the most qualified and cost effective contractor for the construction of the Berthoud Reservoir Improvement Project. The motion carried 7:0.

10. EXTRACTION CONDITIONAL USE

Community Development Director Curt Freese presented on this item and explained that the settlement agreement would be worked out between attorneys and was not part of the packet or presentation.

Trustee Karspeck commented that the State had come down on Longmont and Boulder due to bans on hydraulic fracturing and he had no objection to the conditional use.

Mayor Pro Tem Buckridge summarized that the project met code and was not requesting any exceptions and that any unresolved issues would be part of the settlement agreement.

Trustee Hindman commented that in the normal course of things a permit would have to be issued prior to drilling and because these were drilled prior to an application coming to the Board there was little the Board could require aesthetically to landscape and fence these particular sites. He noted that he would like to amend the code going forward to address landscaping and improvements where drilling would occur.

Trustee Laak agreed that it would be nice if there were landscaping to help blend these sites into the surrounding area.

Jamison McIlvain, with Extraction Oil and Gas, explained that the hydraulic fracturing had already been completed. The company currently purchases water from farmers, ditch companies and government when it was needed for operations. The water used is hauled away and treated in a very specific manner before it is released.

Mayor Mulvihill had no objections to the staff recommendation.

Trustee Dunkelberger moved, seconded by Mayor Pro Tem Buckridge, to approve the Conditional Use for the existing BDE and MLD wells as per the findings of the Staff Report. The motion carried 7:0.

11. HISTORIC PRESERVATION COMMITTEE APPOINTMENT

Town Clerk Alisa Darrow presented on this item.

Trustee Hindman moved, seconded by Trustee Laak, to appoint Ian Tinney and Laura Nelson to the Berthoud Historic Preservation Committee for three-year terms beginning September 1, 2016. The motion carried 7:0.

12. SELECTION OF DATES FOR BOARD RETREAT

Town Administrator Mike Hart introduced this item and explained the benefits of a Board Retreat, especially with five new members being seated in 2016. He requested direction regarding dates for an upcoming 2-day retreat. He suggested October 21 and 22, 2016 for the retreat due to staff vacation requests and other logistics.

Trustees discussed their availability on various dates in October, the direction to staff was to hold the retreat on October 28 and 29, 2016.

13. REPORTS

Trustee Laak commented that he had set up a group called the Tree Party to augment the work of the Tree Board and their work on the Emerald Ash Borer problem. He noted that the bus stop curb near the railroad tracks needed an additional coat of paint.

Trustee Dunkelberger stated that she had been on several tours of the community with Administrator Hart. She praised the Parks and Recreation Department for their responsiveness when she called in about vandalism at Pioneer Park.

Trustee Karspeck commented on his work with the Tree Party and asked about the comments on Facebook regarding a bridge built by Boy Scouts.

Administrator Hart explained there were maintenance issues with the bridge built by a local Scout some years ago and apologized for not reaching out to the family before having the bridge removed and replaced.

Mayor Pro Tem Buckridge expressed excitement about the new Historic Preservation Advisory Committee member and thanked Sergeant Anderson and LCSO for all their hard work and professionalism.

Trustee Baker had no report.

Trustee Hindman noted he was attending an Open Lands meeting in Loveland on Thursday evening.

Mayor Mulvihill reported that he had been hearing from groups about volunteering in the community and he was connecting them with other Trustees and staff as appropriate. He had a meeting twice a month set up with the library where citizens were welcome to come have an open dialogue with the Mayor.

Attorney Peter Linder commented that with the oil wells being permitted the attorneys would be able to move forward on the settlement agreement.

Sergeant Anderson provided the Board with information regarding an accident that occurred in the early morning involving a high school student on a bike and a semi-truck. He stated that the student had been on his phone when he rode into the truck trailer and was injured. There was video of the incident from the truck showing the truck driver reacted very quickly which saved the student from being run over. The student was expected to make a full recovery, but would be hospitalized for up to six weeks. Another accident occurred over the weekend at CR 17 and 287, both cars were totaled and all persons were taken to the hospital. That accident was still under investigation and no ticket had been issued to date. He noted that the "Coffee with a Cop" function once per month continued to be well attended.

Administrator Hart reminded the Board that the Town would have three booths at Oktoberfest this year and asked Trustees to attend. He provided the Board with the background information on the bridge built by Boy Scouts in Hillsdale Park. He explained that the bridge was not ADA compliant and the Town was receiving complaints about the maintenance, staff was in the process of removing it and replacing it with a long-term solution. He called the Scout who had built it and his mother to apologize for not reaching out prior to the removal of the bridge. He also stated that the bridge was at the Street shop and was available for the family if they wished to keep it or find a new location for the bridge. He was concerned about liability issues if the bridge were moved to another Town owned property.


14. ADJOURN

There being no further business to come before the Board at this time, the meeting was adjourned at 9:13 PM.

Approved this 13th day of September, 2016

APPROVED BY:

ATTEST:



Alisa R. Darrow
Town Clerk


Mayor Steve Mulvihill